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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,492	12/14/1999	STEVEN M. ARMSTRONG	NTL-3.2.086/	3881
34845	7590	08/21/2006	EXAMINER	
McGUINNESS & MANARAS LLP 125 NAGOG PARK ACTON, MA 01720			ZIA, SYED	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/461,492	<b>Applicant(s)</b> ARMSTRONG ET AL.	
	<b>Examiner</b> Syed Zia	<b>Art Unit</b> 2131	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,5,7 and 9-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 9-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed June 09, 2006. Original application contained Claims 1-30. Applicant previously added new Claims 31-43. Applicant previously amended Claims 1, 2, 5, 7, 10-11, and 13-30. Applicant previously cancelled Claims 1, 3, 6, and 8. Applicant currently amended Claims 1, 13, and 22. The amendment filed on June 09, 2006 have been entered and made of record. Therefore, presently pending claims are 1-2, 4-5, 7, and 9-43.

### ***Response to Arguments***

Applicant's arguments filed on June 09, 2006 with respect to claim 1-2, 4-5, 7, and 9- 43 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments filed on June 09, 2006 have been fully considered but they are not persuasive because of the following reasons:

Applicants argued that cited prior art (CPA) [Aravamudan et al. U. S. Patent (6,301,609)] does not teach "*filtering attempts to contact the watched party based at least in part on the*

Art Unit: 2131

*identity of the watching party and the device type on which the watched party would be contacted”.*

Claims 1, 13 and 22 as amended distinguish Aravamudan because, in addition to detecting presence across different networks and device types, and selecting a device on which to contact the watched party, the invention filters attempts to contact the watched party based at least in part on the identity of the watching party and the device type on which the watched party would be contacted. As discussed in the Specification, the watched party may set up rules about

This is not found persuasive. CPA teaches and describes a system and method of communication system that involves providing Communication Service Platform (CSP) user status based on assigned priority level. This system provides messaging to locate a registered user, query the user for a proposed message disposition, and coordinate services among a plurality of communication devices, modes, and channels. Advantageously, the use of an intelligent Communication Services Platform (CSP) monitor may be utilized to register a user's location at a client premises equipment (CPE) device. Automated instant messaging containing user location and activity information may be utilized to advertise the user's presence and availability to selected buddies, groups, and associates. By assigning the priorities for the associates, the CSP user can maintain control with respect to his online location, presence and activities, enabling the associate with higher priority directly interface with the user when the user is online (col.3 line 14 to col. 4 line 51, col.6 line 14 to col.7 line 40, col.8 line 9 to col.9 line 60, and col.11 line 8 to line 34).

Therefore, cited prior art teaches, describes, and provides a system and methods of communicating with a watched party over a multiple access network.

Art Unit: 2131

Applicants still have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts. Therefore, the examiner asserts that cited prior art does teach or suggest the subject matter recited in independent Claims 1, 13, 22, and dependent Claims 2, 4-5, 7, 9-12, 14-21, 23-30, and 31-43. Accordingly, rejections for Claims 1-2, 4-5, 7, and 9-43 are respectfully maintained

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-5, 7, and 9-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Aravamudan et al. U. S. Patent (6,301,609).

3. Regarding claim 1, 13, and 22 Aravamudan teaches, a method and apparatus for facilitating communication between a watched party and a watching party over a multiple access network where the watching party wishes to contact the watched party and the watching party uses a first type of device on a first type of access network and the watched party uses a second type of device on a second type of access network comprising:

storing on a personal communication portal device (120, fig 2) of contact addresses for said

Art Unit: 2131

watched party in a common location which is accessible via said multiple access network (120, fig 2), each contact address being associated with corresponding (client maintains a continuous and locatable presence, (col 4, lines 47-51; col 6, lines 14-27) ones of a plurality of different types of devices (160, fig 2, col 3, lines 31-52);

receiving a request from a watching party via a first type of access device on the first access network to contact said watched party (col 7, lines 20-40; col 11, lines 21-24), wherein said request includes an indication of a contact address associated with a watched party access device of the first type (col 11, lines 40-45);

directing the request to a the personal communications portal network device having access to the stored contact addresses (buddy's internet address, wired telephone number, col 9, lines 45-61);

determining, by the personal communication portal device (col 9, lines 45-61), presence information for the watched party including identifying which of said different devices are in active communication with the multiple access network (col 9, lines 10-12);

selecting by the persona communications portal device (col 8, lines 9-31), one of the plurality of contact addresses associated with at least one device identified as being in active communication with the multiple access network and being of a different type than the watching party device operating in response to a watched party defined contact rule (the personal data and rule database, col 6, lines 12-31), the watched party defined contact rule associating watched party presence and user preferences with each of the plurality of contact addresses (the personal data and rule database, col 6, lines 12-31);

determining whether to permit the watching party to contact the watched party based at least in-part on which type of device is the active device and identity of the watching party (col.11 line 8 to line 34), and

Art Unit: 2131

if it is determined to permit the watching party to contact the watched party, prompting, by the personal communications portal device redirection of communications between the first type of device associated with the first access network and used by the watching party (buddies, col 7, lines 3-20) to the a second type of device associated with the second access network and used by the watched party by forwarding the selected contact address to the watching party to enable the watching party (IM server also notifies selected buddies, col 7, lines 3-20, col 6, lines 12-31) to contact the watched party at the selected contact address in response to the watched party contact rules (col 7, lines 7-20; col 6, lines 12-31), whereby quickly contacting the watched party may be facilitated and controlled, and personal

4. Claims 2, 4, 10-12, 14-16, 21, 23-25, 27 and 30 31, 38, and 42 are rejected applied as above rejecting claims 1, 13, and 22. Furthermore, Aravamudan teaches and describes a virtual presence server that provides access of local area network (LAN) and private branch exchanger by a remote user through a communication device connected to the server in the office through public switched telephone network. The server sends data and calls to the remote user through the PSTN network, comprising:

- providing by the personal communications portal device, the selected contact address and a description of the device associated with the selected contact address to the watching party (IM server also notifies selected buddies, col 7, lines 3-20, col 6, lines 12-31).

- determining that said watched party is accessible via a plurality of devices (col 7, lines 20-40); and contacting said watched party via at least one of said plurality of devices based upon said set of watched party defined contact rules (col 6, lines 12-31; col 7, lines 20-40).

receiving a contact identifier associated with the plurality of contact addresses and converting said contact identifier into at least one of said plurality of contact addresses (col 6, lines 12-31; col 7, lines 20-40; col 9, lines 45-63).

-receiving a contact identifier associated with the plurality of contact addresses and converting said contact identifier into a plurality of said plurality of contact addresses (col 6, lines 12-31; col 7, lines 20-40; col 9, lines 45-63, buddy group).

- controlling access to said determination that said watched party has access to said multiple access network via said at least one device based upon said watched party defined contact rules (col 6, lines 12-31; col 7, lines 20-40; col 9, lines 45-63, buddy group).

- a plurality of watched party defined contact rules stored in said memory, and said storing means (col. 5 line 52 to col.6 line 2);

- contact information includes at least one destination address of said watching party for contacting said watched party via at least one of said access networks; and contact information includes at least one device type for contacting said watching party (col. 4 line 4 to line 25);

- processor is configured to limit access to a watching party to at least one set of contact information based upon said at least one watched party defined contact rule; and said subset of said contact information comprises a contact identifier which is convertible by said processor means into at least one contact address for said watched party (col. 4 line 44 to col. 6 line 2);

- prior to contacting said watched party, automatically determining a location of said watched party, automatically determining a location of said watched party based on a plurality of resources, accessing a stored information about said watched party in the at least one device (col.5 line 15 to line 50).



5. Claims 5, 9, 17-18, 26, and 28-29, 32, 33, 39, and 43 are rejected applied as above rejecting claims 2, 4, 15, 16, 25, and 27. Furthermore, Aravamudan teaches and describes a virtual presence server, wherein

- providing the selected contact address and a description of the device associated with the selected contact address to a watching party (col. 6 line 45 to line 62);

- determining a contextual situation of a watched party and providing a description of said contextual situation to said watching party (col. 6 line 63 to col.7 line 40);

- said device type is selected from the group consisting of telephone, facsimile, pager, e-mail system and videoconference system (col. 6 line 41 line 59);

- said subset of said contact information comprises a contact identifier which is convertible by said processor into at least one contact address for said watched party (col. 8 line 5 to line 30);

- said contact identifier comprises a telephone number; and said contact identifier comprises a data network address (col. 8 line 31 to line 55);

- location of the said watched party is automatically determined based at least in part on recent use of said at least one device, and on the location of a mobile phone associated with watched party, the plurality of resources comprises the at least one device that watched party uses to access said multiple access network, and prior to contacting said watched party, determining a location of said watched party based on the location information found in the watched party defined contact rules (col.8 line 31 to col. 9 line 9).

Art Unit: 2131

6. Claims 19-20, 34, and 40 are rejected applied as above rejecting claims 5 and 18.

Furthermore, Aravamudan teaches and describes a virtual presence server, wherein

- contact identifier comprises a telephone number; and contact identifier comprises a data network address (col. 8 line 31 to line 55).

- at least one of said plurality of contact addresses is associated with said at least one device, and prior to contacting to said watched party, accessing a stored information about said watched party in the at least one device (col.5 line 15 to line 50).

7. Claims 7, 35, 36, 37, and 41 are rejected applied as above rejecting claim 5. Furthermore, Aravamudan teaches

- providing the selected contact address and a respective description of each of said plurality of devices to said watching party (col. 4 line 4 to line 25); and

- the step of selecting one said contact addresses based at least in part on said set of watched party defined contact rules (col.4 line 4 col. 6 line 2);

- the step of selecting a contact address associated with a device, that is not at the automatically determined location of the watched party, and that is at the automatically determined location of the watched party (col.5 line 15 to line 50);

- prior to contacting said watched party, determining the location of said watched party based on the stored information in the at least one device (col. 6 line 45 to col. 62).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

Art Unit: 2131

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be 'Jma' with a stylized flourish at the end.

SZ

August 10, 2006